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**Counsel for Defendants**

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

MICHAEL SMITH and JASON  
FERGUSON, and on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

ELEVADO DRINKS, LLC, CHACO  
FLACO DRINKS, LLC, HOP THE  
WAVE BREWING COMPANY and  
CHARLES MOORE,

Defendants.

Case No. 1:25-cv-00571-CDB

Pleading Type: Class Action

**JOINT NOTICE OF TENTATIVE SETTLEMENT**

Judge: The Honorable Christopher D. Baker

Action Filed: May 14, 2025

1 Plaintiffs Michael Smith and Jason Ferguson and Defendants Elevado Drinks, LLC, Chaco Flaco  
2 Drinks, LLC, Hop the Wave Brewing Company, and Charles Moore provide notice that they have agreed  
3 to general terms of a settlement. The Parties hope to finalize the agreement and dismiss this action within  
4 the next week.

5 The Parties respectfully request that the Court vacate the Scheduling Conference set for August  
6 11, 2025 at 9:30 a.m..

7 DATED: July 31, 2025

Respectfully Submitted,

8  
9 s/ Gregory S. Weston  
10 **THE WESTON FIRM**  
11 **GREGORY S. WESTON**  
12 **Counsel for Plaintiffs**

13 s/ Amy Wilkins Hoffman  
14 **FROST LLP**  
15 **AMY WILKINS HOFFMAN**  
16 **Counsel for Defendants**